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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary

Application No.

10/748,681

Applicant(s)

KONINGSTEIN, ROSS

Examiner

WILLIAM A. BRANDENBURG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☒ Claim(s) 24, 32, 36, 45 and 50 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/083)
- Paper No(s)/Mail Date 07/16/2008.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The following is a Final Office action in response to communications received on 08/18/2008. No claims have been cancelled. Claims 1-51 have been amended. No new claims have been added. Therefore, claims 1-51 are pending and addressed below.

Priority

2. Applicant's claim for the benefit of a prior-filed provisional application, U.S. Patent Application No. 60/516,281 filed November 3, 2003, under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 07/16/2008 was filed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Specification

4. The amendment filed on 08/18/2008, has corrected the objections to the specification as identified in the Office Action dated 04/16/2008. Thus, the Examiner hereby withdraws the objections to the specification that were raised in the Office Action dated 04/16/2008.

Claim Objections

5. The amendment filed on 08/18/2008, has corrected the claim objections identified in the Office Action dated 04/16/2008. Thus, the Examiner hereby withdraws the claim objections of claims 1-17 that were raised in the Office Action dated 04/16/2008.
6. Claims 24, 32, 36, 45 and 50 are objected to because of the following informalities:
- Claims 24 recites "wherein a wherein performance". It appears the underlined term above should be removed and should instead be recited as "wherein a performance".
- Claim 32 recites "the advertiser 10 comprises". It appears the underlined term above should be deleted.
- Claim 36 recites "a home 5 menu option". It appears the underlined term above should be deleted.

Claim 45 recites "a predetermined 10 number". It appears the underlined term above should be deleted.

Claim 50 recites "an 20 electronic document". It appears the underlined term above should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 112, 2nd paragraph

7. The amendment filed on 08/18/2008, has corrected the 35 U.S.C. 112 deficiencies identified in the Office Action dated 04/16/2008. Thus, the Examiner hereby withdraws the 35 U.S.C. second paragraph rejections of claims 3, 16, 20 and 37 that were raised in the Office Action dated 04/16/2008.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. **Claims 1-12, 14-15, 18-29, 31-32, 35-46 and 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petropoulos et al. (US 2003/0146939 A1) (hereinafter Petropoulos).**

9. As per claim 1, Petropoulos discloses a computer-implemented method for advertising comprising the steps of:
delivering a first electronic document including an electronic advertisement in a first display format ([0020], search results page contains first result "53" and second result "54", see also Fig. 1, "53" and "54");

receiving a first selection of an expansion icon associated with the electronic advertisement, where the expansion icon is selectable to transition the electronic advertisement from the first display format into a second display format ([0038], preview icon alerts a user to the preview feature and allows user to select preview using navigation of mouse pointer, see also Fig. 1, "63" and "64");

delivering the electronic advertisement in the second display format, the second display format comprising one or more menu options and a reference to a network location for retrieving specified content associated with each menu option ([0032], preview information is an advertisement, see also

[0042], preview information display over current window or in preview window, functional attributes of preview window include hyperlinks that a user can mouse over or click on, see also [0054], user may initiate a menu or control system for the controlling the function of the available preview functions, see also Fig. 1, "55");

receiving a selection of one of the one or more menu options ([0042], functional attributes of preview window include hyperlinks that a user can mouse over or click on which would result in a call to the referenced page).

Petropoulos does not explicitly disclose

delivering a second electronic document including content from the referenced network location associated with the menu option selected and including the electronic advertisement in the second display format.

However, Petropoulos does teach preview information in a preview window includes an advertisement ([0032]). In addition, Petropoulos teaches enabling active hyperlinks in preview windows that when clicked result in a call to the referenced page ([0042], see also [0073-79]).

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It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos to include delivering content associated with a selected menu option including the advertisement in the second display format. The rationale for this inclusion would enable Petropoulos to deliver the content while maintaining the advertising component in direct view of the user. This increase in ad exposure could result in a higher probability of conversion. Furthermore, the Examiner notes that although Petropoulos does not explicitly teach what exactly occurs in the main browser window when they hyperlink in the preview window is selected, it would be an obvious design choice to program the browser layout to display in such a fashion as claimed in the instant application.

10. As per claim 2, Petropoulos discloses the computer-implemented method of claim 1 (as rejected above).

Petropoulos does not explicitly disclose wherein one of the menu options includes a home menu option and further comprising the steps of:

receiving a selection of the home menu option; and

delivering the first electronic document including the electronic advertisement in the first display format.

However, Petropoulos does teach a dedicated preview icon that can function as a menu for controlling previewing ([0010]). In addition, Petropoulos teaches advanced preview icon implementation including separating regions in the preview icon which allows the user to dynamically and automatically determine what to preview ([0060-61], see also Fig. 5, "552", "Home Page"). Furthermore, Petropoulos teaches a mouse-over technology in which the user may simply move the pointer away from the preview and the window will close and return to the original display ([0054]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos to include a home menu option to return to the original display. The rationale for this inclusion is a home option allows a user to easily return to the original content display to avoid the hassle of the typical backward-forward movement in a browser setting. The Examiner notes that although Petropoulos does not explicitly teach a home option specifically in the preview window (i.e. second display), it would be a simple and obvious

design choice to include this feature from the teachings of Petropoulos in the programming of the preview window (i.e. second display). And based on the further teachings of Petropoulos, the mouse-over technology yields the same functionality of returning to the original display format.

11. As per claim 3, Petropoulos discloses the computer-implemented method of claim 1 (as rejected above). Petropoulos further discloses wherein the electronic advertisement comprises

a morphing electronic advertisement that includes instructions for interpreting user actions to enable an end user system to display the first display format and the second display format ([0042], preview information displayed over the current window or in a window which already exists on results page such as a preview window that can be located anywhere on the results page).

12. As per claim 4, Petropoulos discloses the computer-implemented method of claim 1 (as rejected above). Petropoulos further discloses wherein the first and second electronic document comprise

web pages ([0010], preview information is a "preview window" containing relevant preview information of actual page or document associated with item in results list, see also [0025], preview information displays actual content or the web page referred by or associated with the first result).

13. As per claim 5, Petropoulos discloses the computer-implemented method of claim 4 (as rejected above). Petropoulos further discloses wherein the network locations specified in reference to the one or more menu options comprise

network locations provided by or affiliated with a host entity that delivered the first electronic document and the electronic advertisement ([0025-26], preview information displays actual content or the web page referred by or associated with the first result, see also [0029], contextual information regards URL pertaining to web page).

14. As per claim 6, Petropoulos discloses the computer-implemented method of claim 1 (as rejected above). Petropoulos further discloses:

wherein the electronic advertisement comprises a target reference to an advertiser network location ([0025], preview

information displays actual content or the web page referred by or associated with the first result).

Petropoulos does not explicitly disclose

storing a price parameter value in association with the electronic advertisement for performance by end users viewing the advertisement.

However, Petropoulos does teach a user's use of preview information is monitored. The attributes of user behavior are forwarded across the network and later used to improve relevancy ([0072-79]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos to include storing a price parameter associated with user performance. The rationale for this inclusion is that the act of monitoring performance (i.e. user interaction) in an online environment provides a way to measure the effectiveness of the content issued to the user, whether it be search results, banner advertisements, etc. It is old and well-known that in an online environment, specifically one with advertisements, a performance component is always paired with a pricing

component. Therefore, although Petropoulos does not explicitly teach storing a price value, it would be obvious for a price value to be present as a result of the monitoring and tracking of user performance recited in the teachings of Petropoulos.

15. As per claim 7, Petropoulos discloses the computer-implemented method of claim 6 (as rejected above). Petropoulos further discloses wherein

performance is determined to have occurred when an end user selects the target reference ([0042], functional attributes of preview window include hyperlinks that a user can mouse over or click on which would result in a call to the referenced page).

16. As per claim 8, Petropoulos discloses the computer-implemented method of claim 6 (as rejected above). Petropoulos further discloses wherein

performance is determined to have occurred based on user activity associated with the second display format ([0042], functional attributes of preview window include the use of a scroll bar, hyperlinks that a user can mouse over or click on which would result in a call to the referenced page, etc., see

also [0073], attributes of user behavior tracked and monitored).

17. As per claim 9, Petropoulos discloses the computer-implemented method of claim 8 (as rejected above). Petropoulos further discloses wherein the user activity comprises

a predetermined period of time viewing the second display format ([0042], user can dynamically control the duration of the preview window visibility, see also [0073-75], user's use of preview information monitored including the length of each preview, a long duration indicates high relevancy to a particular result).

18. As per claim 10, Petropoulos discloses the computer-implemented method of claim 8 (as rejected above). Petropoulos further discloses wherein the user activity comprises

the user request to view the second display format ([0010], displaying preview information associated with each result item, see also [0025], preview information shown when there is a mouse-over a defined area, see also [0073], user's use of preview information monitored including which result is being previewed).

19. As per claim 11, Petropoulos discloses the computer-implemented method of claim 8 (as rejected above). Petropoulos further discloses wherein the user activity comprises
- a predetermined number of user selections of the one or more menu options available in the second display format ([0026], preview information include URLs, with respect to URLs used as preview information these URLs will function as links, see also [0054], user may initiate a menu or control system for controlling the function of the available preview functions).
20. As per claim 12, Petropoulos discloses the computer-implemented method of claim 1 (as rejected above). Petropoulos further discloses:
- associating a reference to the electronic advertisement for use by the user in retrieving the electronic advertisement ([0025], preview information displays actual content or the web page referred by or associated with the first result, see also [0029], contextual information regards URL pertaining to web page, see also [0032], preview information includes tags defining the information to be previewed).

21. As per claim 14, Petropoulos discloses the computer-implemented method of claim 1 (as rejected above). Petropoulos further discloses wherein, the second electronic document comprises

a document provided by the advertiser ([0025], preview information displays actual content or the web page referred by or associated with the first result, see also [0032], preview information includes an advertisement).

22. As per claim 15, Petropoulos discloses the computer-implemented method of claim 14 (as rejected above). Petropoulos further discloses wherein, the document provided by the advertiser comprises

a web page from the advertiser's web site ([0025], preview information displays actual content or the web page referred by or associated with the first result, see also [0036], web page is actual web page referred by and associated with first result).

23. As per claim 18, Petropoulos discloses an apparatus for delivering advertising comprising the steps of:

an electronic advertisement output means for delivering a first electronic document including an electronic

advertisement in a first display format ([0020], search results page contains first result "53" and second result "54", see also Fig. 1, "53" and "54");

selection receiving means for receiving a first selection of an expansion icon associated with the electronic advertisement, where the expansion icon is selectable to transition the electronic advertisement from the first display format into a second display format ([0038], preview icon alerts a user to the preview feature and allows user to select preview using navigation of mouse pointer, see also Fig. 1, "63" and "64");

delivering means for delivering the electronic advertisement in the second display format, the second display format comprising one or more menu options and a reference to a network location for retrieving specified content associated with each menu option ([0032], preview information is an advertisement, see also [0042], preview information display over current window or in preview window, functional attributes of preview window include hyperlinks that a user can mouse over or click on, see also [0054], user may initiate a menu or control system for the controlling the function of the available preview functions, see also Fig. 1, "55");

selection receiving means for receiving a selection of one of the one or more menu options ([0042], functional attributes of preview window include hyperlinks that a user can mouse over or click on which would result in a call to the referenced page).

Petropoulos does not explicitly disclose

delivery means for delivering a second electronic document including content from the referenced network location associated with the menu option selected and including the electronic advertisement in the second display format.

However, Petropoulos does teach preview information in a preview window includes an advertisement ([0032]). In addition, Petropoulos teaches enabling active hyperlinks in preview windows that when clicked result in a call to the referenced page ([0042], see also [0073-79]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos to include delivering content associated with a selected menu option including the advertisement in the second display format. The rationale for this inclusion would enable Petropoulos to

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deliver the content while maintaining the advertising component in direct view of the user. This increase in ad exposure could result in a higher probability of conversion. Furthermore, the Examiner notes that although Petropoulos does not explicitly teach what exactly occurs in the main browser window when they hyperlink in the preview window is selected, it would be an obvious design choice to program the browser layout to display in such a fashion as claimed in the instant application.

24. As per claim 19, Petropoulos discloses the apparatus of claim 18 (as rejected above).

Petropoulos does not explicitly disclose wherein one of the menu options includes

a home menu option and wherein the selection receiving means receives a selection of the home menu option; and

wherein the delivery means delivers the first electronic document including the electronic advertisement in the first display format.

However, Petropoulos does teach a dedicated preview icon that can function as a menu for controlling previewing ([0010]). In

addition, Petropoulos teaches advanced preview icon implementation including separating regions in the preview icon which allows the user to dynamically and automatically determine what to preview ([0060-61], see also Fig. 5, "552", "Home Page"). Furthermore, Petropoulos teaches a mouse-over technology in which the user may simply move the pointer away from the preview and the window will close and return to the original display ([0054]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos to include a home menu option to return to the original display. The rationale for this inclusion is a home option allows a user to easily return to the original content display to avoid the hassle of the typical backward-forward movement in a browser setting. The Examiner notes that although Petropoulos does not explicitly teach a home option specifically in the preview window (i.e. second display), it would be a simple and obvious design choice to include this feature from the teachings of Petropoulos in the programming of the preview window (i.e. second display). And based on the further teachings of Petropoulos, the mouse-over technology yields the same functionality of returning to the original display format.

25. As per claim 20, Petropoulos discloses the apparatus of claim 18 (as rejected above). Petropoulos further discloses wherein the electronic advertisement comprises
- a morphing electronic advertisement that includes instructions for interpreting user actions to enable an end user system to display the first display format and the second display format ([0042], preview information displayed over the current window or in a window which already exists on results page such as a preview window that can be located anywhere on the results page).
26. As per claim 21, Petropoulos discloses the apparatus of claim 18 (as rejected above). Petropoulos further discloses wherein the first and second electronic document comprise
- web pages ([0010], preview information is a "preview window" containing relevant preview information of actual page or document associated with item in results list, see also [0025], preview information displays actual content or the web page referred by or associated with the first result).
27. As per claim 22, Petropoulos discloses the apparatus of claim 18 (as rejected above). Petropoulos further discloses

wherein the network locations specified in reference to the one or more menu options comprise

network locations provided by or affiliated with a host entity that delivered the first electronic document and the electronic advertisement ([0025-26], preview information displays actual content or the web page referred by or associated with the first result, see also [0029], contextual information regards URL pertaining to web page).

28. As per claim 23, Petropoulos discloses the apparatus of claim 18 (as rejected above). Petropoulos further discloses:

wherein the electronic advertisement comprises a target reference to an advertiser network location ([0025], preview information displays actual content or the web page referred by or associated with the first result).

Petropoulos does not explicitly disclose

storage means for storing a price parameter value in association with the electronic advertisement for performance by end users viewing the advertisement.

However, Petropoulos does teach a user's use of preview information is monitored. The attributes of user behavior are

forwarded across the network and later used to improve relevancy ([0072-79]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos to include storing a price parameter associated with user performance. The rationale for this inclusion is that the act of monitoring performance (i.e. user interaction) in an online environment provides a way to measure the effectiveness of the content issued to the user, whether it be search results, banner advertisements, etc. It is old and well-known that in an online environment, specifically one with advertisements, a performance component is always paired with a pricing component. Therefore, although Petropoulos does not explicitly teach storing a price value, it would be obvious for a price value to be present as a result of the monitoring and tracking of user performance recited in the teachings of Petropoulos.

29. As per claim 24, Petropoulos discloses the apparatus of claim 23 (as rejected above). Petropoulos further discloses wherein a wherein

performance is determined to have occurred when a user selects the target reference ([0042], functional attributes of

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preview window include hyperlinks that a user can mouse over or click on which would result in a call to the referenced page).

30. As per claim 25, Petropoulos discloses the apparatus of claim 23 (as rejected above). Petropoulos further discloses wherein

performance is determined to have occurred based on user activity associated with the second display format ([0042], functional attributes of preview window include the use of a scroll bar, hyperlinks that a user can mouse over or click on which would result in a call to the referenced page, etc., see also [0073], attributes of user behavior tracked and monitored).

31. As per claim 26, Petropoulos discloses the apparatus of claim 25 (as rejected above). Petropoulos further discloses wherein the user activity comprises

a predetermined period of time viewing the second display format ([0042], user can dynamically control the duration of the preview window visibility, see also [0073-75], user's use of preview information monitored including the length of each

preview, a long duration indicates high relevancy to a particular result).

32. As per claim 27, Petropoulos discloses the apparatus of claim 25 (as rejected above). Petropoulos further discloses wherein the user activity comprises

the user request to view the second display format ([0010], displaying preview information associated with each result item, see also [0025], preview information shown when there is a mouse-over a defined area, see also [0073], user's use of preview information monitored including which result is being previewed).

33. As per claim 28, Petropoulos discloses the apparatus of claim 25 (as rejected above). Petropoulos further discloses wherein the user activity comprises

a predetermined number of user selections of the one or more menu options available in the second display format ([0026], preview information include URLs, with respect to URLs used as preview information these URLs will function as links, see also [0054], user may initiate a menu or control system for controlling the function of the available preview functions).

34. As per claim 29, Petropoulos discloses the apparatus of claim 18 (as rejected above). Petropoulos further discloses storage means that stores a reference to the electronic advertisement for use by the user in retrieving the electronic advertisement ([0025], preview information displays actual content or the web page referred by or associated with the first result, see also [0029], contextual information regards URL pertaining to web page, see also [0032], preview information includes tags defining the information to be previewed).
35. As per claim 31, Petropoulos discloses the apparatus of claim 18 (as rejected above). Petropoulos further discloses wherein the second electronic document comprises a document provided by the advertiser ([0025], preview information displays actual content or the web page referred by or associated with the first result, see also [0032], preview information includes an advertisement).
36. As per claim 32, Petropoulos discloses the apparatus of claim 31 (as rejected above). Petropoulos further discloses wherein the document provided by the advertiser comprises

a web page from the advertiser's web site ([0025], preview information displays actual content or the web page referred by or associated with the first result, see also [0036], web page is actual web page referred by and associated with first result).

37. As per claim 35, Petropoulos discloses an apparatus for delivering advertising comprising the steps of:

an electronic advertisement output system for delivering a first electronic document including an electronic advertisement ([0020], search results page contains first result "53" and second result "54", see also Fig. 1, "53" and "54");

a selection receiving module that receives a first selection of an expansion icon associated with the electronic advertisement, where the expansion icon is selectable to transition the electronic advertisement from the first display format into a second display format ([0038], preview icon alerts a user to the preview feature and allows user to select preview using navigation of mouse pointer, see also Fig. 1, "63" and "64") and receives a selection of one or more menu options associated with the second display format ([0042], functional attributes of preview window include hyperlinks

that a user can mouse over or click on which would result in a call to the referenced page);

a delivery module that delivers the electronic advertisement in the second display format, the second display format comprising the one or more menu options and a reference to a network location for retrieving specified content associated with each menu option ([0032], preview information is an advertisement, see also [0042], preview information display over current window or in preview window, functional attributes of preview window include hyperlinks that a user can mouse over or click on, see also [0054], user may initiate a menu or control system for the controlling the function of the available preview functions, see also Fig. 1, "55").

Petropoulos does not explicitly disclose

delivers a second electronic document including content from the referenced network location associated with the menu option selected and including the electronic advertisement in the second display format.

However, Petropoulos does teach preview information in a preview window includes an advertisement ([0032]). In

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addition, Petropoulos teaches enabling active hyperlinks in preview windows that when clicked result in a call to the referenced page ([0042], see also [0073-79]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos to include delivering content associated with a selected menu option including the advertisement in the second display format. The rationale for this inclusion would enable Petropoulos to deliver the content while maintaining the advertising component in direct view of the user. This increase in ad exposure could result in a higher probability of conversion. Furthermore, the Examiner notes that although Petropoulos does not explicitly teach what exactly occurs in the main browser window when they hyperlink in the preview window is selected, it would be an obvious design choice to program the browser layout to display in such a fashion as claimed in the instant application.

38. As per claim 36, Petropoulos discloses the apparatus of claim 35 (as rejected above).

Petropoulos does not explicitly disclose wherein one of the menu options includes

a home menu option and wherein the selection receiving means receives a selection of the home menu option; and

wherein the delivery module delivers the first electronic document including the electronic advertisement in the first display format.

However, Petropoulos does teach a dedicated preview icon that can function as a menu for controlling previewing ([0010]). In addition, Petropoulos teaches advanced preview icon implementation including separating regions in the preview icon which allows the user to dynamically and automatically determine what to preview ([0060-61], see also Fig. 5, "552", "Home Page"). Furthermore, Petropoulos teaches a mouse-over technology in which the user may simply move the pointer away from the preview and the window will close and return to the original display ([0054]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos to include a home menu option to return to the original display. The rationale for this inclusion is a home option allows a user to

easily return to the original content display to avoid the hassle of the typical backward-forward movement in a browser setting. The Examiner notes that although Petropoulos does not explicitly teach a home option specifically in the preview window (i.e. second display), it would be a simple and obvious design choice to include this feature from the teachings of Petropoulos in the programming of the preview window (i.e. second display). And based on the further teachings of Petropoulos, the mouse-over technology yields the same functionality of returning to the original display format.

39. As per claim 37, Petropoulos discloses the apparatus of claim 35 (as rejected above). Petropoulos further discloses wherein the electronic advertisement comprises

a morphing electronic advertisement that includes instructions for interpreting user actions to enable an end user system to display the first display format and the second display format ([0042], preview information displayed over the current window or in a window which already exists on results page such as a preview window that can be located anywhere on the results page).

40. As per claim 38, Petropoulos discloses the apparatus of claim 35 (as rejected above). Petropoulos further discloses wherein the first and second electronic document comprise web pages ([0010], preview information is a "preview window" containing relevant preview information of actual page or document associated with item in results list, see also [0025], preview information displays actual content or the web page referred by or associated with the first result).
41. As per claim 39, Petropoulos discloses the apparatus of claim 35 (as rejected above). Petropoulos further discloses wherein the network locations specified in reference to the one or more menu options comprise network locations provided by or affiliated with a host entity that delivered the first electronic document and the electronic advertisement ([0025-26], preview information displays actual content or the web page referred by or associated with the first result, see also [0029], contextual information regards URL pertaining to web page).
42. As per claim 40, Petropoulos discloses the apparatus of claim 35 (as rejected above). Petropoulos further discloses:

wherein the electronic advertisement comprises a target reference to an advertiser network location ([0025], preview information displays actual content or the web page referred by or associated with the first result).

Petropoulos does not explicitly disclose

a database system for storing a price parameter value in association with the electronic advertisement for performance by end users viewing the advertisement.

However, Petropoulos does teach a user's use of preview information is monitored. The attributes of user behavior are forwarded across the network and later used to improve relevancy ([0072-79]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos to include storing a price parameter associated with user performance. The rationale for this inclusion is that the act of monitoring performance (i.e. user interaction) in an online environment provides a way to measure the effectiveness of the content issued to the user, whether it be search results, banner advertisements, etc. It is old and well-known that in an

online environment, specifically one with advertisements, a performance component is always paired with a pricing component. Therefore, although Petropoulos does not explicitly teach storing a price value, it would be obvious for a price value to be present as a result of the monitoring and tracking of user performance recited in the teachings of Petropoulos.

43. As per claim 41, Petropoulos discloses the apparatus of claim 35 (as rejected above). Petropoulos further discloses wherein a wherein

performance is determined to have occurred when a user selects the target reference ([0042], functional attributes of preview window include hyperlinks that a user can mouse over or click on which would result in a call to the referenced page).

44. As per claim 42, Petropoulos discloses the apparatus of claim 35 (as rejected above). Petropoulos further discloses wherein

performance is determined to have occurred based on user activity associated with the second display format ([0042], functional attributes of preview window include the use of a scroll bar, hyperlinks that a user can mouse over or click on

which would result in a call to the referenced page, etc., see also [0073], attributes of user behavior tracked and monitored).

45. As per claim 43, Petropoulos discloses the apparatus of claim 42 (as rejected above). Petropoulos further discloses wherein the user activity comprises

a predetermined period of time viewing the second display format ([0042], user can dynamically control the duration of the preview window visibility, see also [0073-75], user's use of preview information monitored including the length of each preview, a long duration indicates high relevancy to a particular result).

46. As per claim 44, Petropoulos discloses the apparatus of claim 42 (as rejected above). Petropoulos further discloses wherein the user activity comprises

the user request to view the second display format ([0010], displaying preview information associated with each result item, see also [0025], preview information shown when there is a mouse-over a defined area, see also [0073], user's use of preview information monitored including which result is being previewed).

47. As per claim 45, Petropoulos discloses the apparatus of claim 42 (as rejected above). Petropoulos further discloses wherein the user activity comprises

a predetermined number of user selections of the one or more menu options available in the second display format ([0026], preview information include URLs, with respect to URLs used as preview information these URLs will function as links, see also [0054], user may initiate a menu or control system for controlling the function of the available preview functions).

48. As per claim 46, Petropoulos discloses the apparatus of claim 35 (as rejected above). Petropoulos further discloses

a storage system that stores a reference to the electronic advertisement for use by the user in retrieving the electronic advertisement ([0025], preview information displays actual content or the web page referred by or associated with the first result, see also [0029], contextual information regards URL pertaining to web page, see also [0032], preview information includes tags defining the information to be previewed).

49. As per claim 48, Petropoulos discloses the apparatus of claim 35 (as rejected above). Petropoulos further discloses wherein the second electronic document comprises

a document provided by the advertiser ([0025], preview information displays actual content or the web page referred by or associated with the first result, see also [0032], preview information includes an advertisement).

50. As per claim 49, Petropoulos discloses the apparatus of claim 47 (as rejected above). Petropoulos further discloses wherein the document provided by the advertiser comprises

a web page from the advertiser's web site ([0025], preview information displays actual content or the web page referred by or associated with the first result, see also [0036], web page is actual web page referred by and associated with first result).

51. Claims 13, 16, 30, 33, 47 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petropoulos et al. (US 2003/0146939 A1) (hereinafter Petropoulos) in view of Ogura et al. (US 2002/0165767 A1) (hereinafter Ogura).

52. As per claim 13, Petropoulos discloses the computer-implemented method of claim 12 (as rejected above).

Petropoulos does not explicitly disclose wherein,
the user may bookmark the electronic advertisement using
the reference.

However, Ogura teaches a bookmark button that when pressed
allows a user to easily link with the advertisement and store
the bookmark in an advertisement log (bookmark) table ([0092],
see also [0118-122]).

It would have been obvious to one of ordinary skill in the art
at the time of the invention to modify Petropoulos to include
the capability to bookmark an electronic advertisement. The
rationale for combining in this manner is that both
Petropoulos and Ogura are directed to an online environment.
Furthermore, this inclusion would enable Petropoulos to
provide a user that ability to save desired content and easily
access it again at a later time, thus increasing the
likelihood of a user making a purchase or some other typical
online conversion.

53. As per claim 16, Petropoulos discloses the computer-implemented method of claim 1 (as rejected above).

Petropoulos does not explicitly disclose wherein the second electronic document comprises

an electronic document that includes functionality to permit the user to purchase one or more items.

However, Ogura teaches an online shopping environment allowing a user to purchase a piece of merchandising from a browsing site ([0158]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos to include online shopping functionality. The rationale for combining in this manner is that both Petropoulos and Ogura are directed to an online environment. Furthermore, this inclusion would enable Petropoulos to provide a user the ability to purchase desired merchandise, thus increasing revenue for the online system and further increasing campaign success for both the direct online system as well as any third-party merchants connected with the online environment.

54. As per claim 30, Petropoulos discloses the apparatus of claim 29 (as rejected above).

Petropoulos does not explicitly disclose wherein the user may bookmark the electronic advertisement using the reference.

However, Ogura teaches a bookmark button that when pressed allows a user to easily link with the advertisement and store the bookmark in an advertisement log (bookmark) table ([0092], see also [0118-122]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos to include the capability to bookmark an electronic advertisement. The rationale for combining in this manner is that both Petropoulos and Ogura are directed to an online environment. Furthermore, this inclusion would enable Petropoulos to provide a user that ability to save desired content and easily access it again at a later time, thus increasing the likelihood of a user making a purchase or some other typical online conversion.

55. As per claim 33, Petropoulos discloses the apparatus of claim 18 (as rejected above).

Petropoulos does not explicitly disclose wherein the second electronic document comprises

an electronic document that includes functionality to permit the user to purchase one or more items.

However, Ogura teaches an online shopping environment allowing a user to purchase a piece of merchandising from a browsing site ([0158]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos to include online shopping functionality. The rationale for combining in this manner is that both Petropoulos and Ogura are directed to an online environment. Furthermore, this inclusion would enable Petropoulos to provide a user the ability to purchase desired merchandise, thus increasing revenue for the online system and further increasing campaign success for both the direct online system as well as any third-party merchants connected with the online environment.

56. As per claim 47, Petropoulos discloses the apparatus of claim 45 (as rejected above).

Petropoulos does not explicitly disclose wherein the user may bookmark the electronic advertisement using the reference.

However, Ogura teaches a bookmark button that when pressed allows a user to easily link with the advertisement and store the bookmark in an advertisement log (bookmark) table ([0092], see also [0118-122]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos to include the capability to bookmark an electronic advertisement. The rationale for combining in this manner is that both Petropoulos and Ogura are directed to an online environment. Furthermore, this inclusion would enable Petropoulos to provide a user that ability to save desired content and easily access it again at a later time, thus increasing the likelihood of a user making a purchase or some other typical online conversion.

57. As per claim 50, Petropoulos discloses the apparatus of claim 35 (as rejected above).

Petropoulos does not explicitly disclose wherein the second electronic document comprises

an electronic document that includes functionality to permit the user to purchase one or more items.

However, Ogura teaches an online shopping environment allowing a user to purchase a piece of merchandising from a browsing site ([0158]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos to include online shopping functionality. The rationale for combining in this manner is that both Petropoulos and Ogura are directed to an online environment. Furthermore, this inclusion would enable Petropoulos to provide a user the ability to purchase desired merchandise, thus increasing revenue for the online system and further increasing campaign success for both the direct online system as well as any third-party merchants connected with the online environment.

58. Claims 17, 34 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petropoulos et al. (US 2003/0146939 A1) (hereinafter Petropoulos) in view of Ogura et al. (US 2002/0165767 A1) (hereinafter Ogura) as applied to claims 13, 16, 30, 33, 47 and 50 above, and further in view of Morgenthaler et al. (U.S. 2002/0032677) (hereinafter Morgenthaler).

59. As per claim 17, Petropoulos discloses the computer-implemented method of claim 16 (as rejected above).

Petropoulos does not explicitly disclose further comprising:

receiving feedback information related to a user's purchase of one or more items.

However, Morgenthaler teaches monitoring a user's Internet use habits and items purchased on the Internet via a cookie ([0055]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos to include tracking user purchases. The rationale for combining in this manner is that both Petropoulos and Morgenthaler are directed

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to an online environment. Furthermore, tracking user purchases would enable Petropoulos to determine the effectiveness of an advertisement and adjust the campaign accordingly to achieve and maintain successful results.

60. As per claim 34, Petropoulos discloses the apparatus of claim 33 (as rejected above).

Petropoulos does not explicitly disclose
feedback means for receiving feedback information related
to a user's purchase of one or more items.

However, Morgenthaler teaches monitoring a user's Internet use habits and items purchased on the Internet via a cookie ([0055]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos to include tracking user purchases. The rationale for combining in this manner is that both Petropoulos and Morgenthaler are directed to an online environment. Furthermore, tracking user purchases would enable Petropoulos to determine the effectiveness of an

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advertisement and adjust the campaign accordingly to achieve and maintain successful results.

61. As per claim 51, Petropoulos discloses the apparatus of claim 49 (as rejected above).

Petropoulos does not explicitly disclose

a feedback module that receives feedback information related to a user's purchase of one or more items.

However, Morgenthaler teaches monitoring a user's Internet use habits and items purchased on the Internet via a cookie ([0055]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos to include tracking user purchases. The rationale for combining in this manner is that both Petropoulos and Morgenthaler are directed to an online environment. Furthermore, tracking user purchases would enable Petropoulos to determine the effectiveness of an advertisement and adjust the campaign accordingly to achieve and maintain successful results.

Response to Arguments

62. Applicant's arguments with respect to claims 1-51 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

63. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

64. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

65. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM A. BRANDENBURG whose telephone number is (571)270-5488. The examiner can normally be reached on Monday-Thursday 6:30 am - 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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